

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ANGEL MARIE LUCAS,

Plaintiff,

v.

CIVIL ACTION NO. 5:16-cv-11632

SOUTHERN REGIONAL JAIL, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On November 10, 2016, the Plaintiff, proceeding *pro se*, filed a Complaint (Document 1) alleging violations of her constitutional and civil rights pursuant to 42 U.S.C. § 1983. Subsequently, on February 6, 2017, the Plaintiff filed a letter form response/motion for voluntary dismissal (Document 22). Also pending in the matter are the Plaintiff's two applications to proceed without prepayment of fees and costs (Documents 15 & 19).

By *Standing Order* (Document 7) entered on December 2, 2016, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

By *Order* (Document 20) dated January 3, 2017, the Magistrate Judge advised the Plaintiff that, if she wished to proceed with her Section 1983 claim, she would need to amend her Complaint to name persons as defendants and to state specific facts as to how each defendant had violated her rights. In her letter form response (Document 22), the Plaintiff advised that she would "have to

dismiss the case without prejudice” as she needed to “receive the information from another source.”

On August 2, 2017, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 23) wherein it is recommended that this Court grant the Plaintiff’s letter form response/motion for voluntary dismissal, deny as moot the Plaintiff’s applications to proceed without prepayment of fees and costs, dismiss the Plaintiff’s Complaint without prejudice, and remove this matter from the Court’s docket. Objections to the Magistrate Judge’s *Proposed Findings and Recommendation* were due by August 21, 2017.¹

Neither party has timely filed objections to the Magistrate Judge’s *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff’s letter-form response/motion for voluntary dismissal (Document 22) be **GRANTED**, the Plaintiff’s applications to proceed without prepayment of fees and costs (Documents 15 & 19) be **DENIED AS MOOT**, the Plaintiff’s

¹The docket reflects that the *Proposed Findings and Recommendation* mailed to the Plaintiff was returned as undeliverable on August 14, 2017.

Complaint (Document 1) be **DISMISSED without prejudice**, and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: August 29, 2017



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA